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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

licants

John A. Salon, et al.

U.S. Serial No

09/885,478

Filed

June 20, 2001

For

DNA ENCODING A HUMAN MELANIN CONCENTRATING

HORMONE RECEPTOR (MCH1) AND USES THEREOF

1185 Avenue Of The Americas New York, New York 10036

September 17, 2001

Assistant Commissioner for Patents Washington, D.C. 20231

RECEIVED

NOV 1 9 2001

TECH CENTER 1600/2900

Sir:

## TRANSMITTAL OF VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS UNDER 37 C.F.R. §1.9(f) AND §1.27(d)

Assignee submits herewith a Verified Statement (Declaration) Claiming Small Entity Status Under 37 C.F.R. §1.9(f) and §1.27(d) as **EXHIBIT A.** This Verified Statement is signed by Dr. Kathleen P. Mullinix, the authorized official of the assignee of record, Synaptic Pharmaceutical Corporation.

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
Assistant Commissioner for Patents
D.C. 20231.

Date

John P. White

Registration No. 28,678 Attorney for Applicants Cooper & Dunham LLP 1185 Avenue of the Americas New York, New York 10036

(212) 278-0400

Applicant or Patentee: <u>John A. Salon, et al.</u> Serial or Patent No.: <u>09/885,478</u>	Attorney's Docket No.: 57453-A-PCT-US
Filed or Issued: June 20, 2001	Docket No.: 37 133 M-101-03
Title of Invention or Patent: DNA Encoding A Human Melanin	Cooncentrating Hormone
Receptor (MCH1) And Uses The	
WEDIETED CHARRYTHM (DDOLADAMION) CLAIM	DECEN
VERIFIED STATEMENT (DECLARATION) CLAIM SMALL ENTITY STATUS UNDER 37 C.F.R. §1.	
AND \$1.27(c) - SMALL BUSINESS CONCER	NOV 1 0 -
	10 V 1 9 2001
I hereby declare that I am:	TECH CENTER 1600/2900
the owner of the small business concern identifie	
an official of the small business concern empowered concern identified below:	to act on behalf of the
Name of Concern: Synaptic Pharmaceutical Corporation	
Address of Concern: 215 College Road	··
Paramus, New Jersey 07652-1410	<del></del>
number of employees of the business concern is the average number of the persons employed by the business compart—time, or temporary basis during each pay period of concerns are affiliates of each other when, either direct concern controls or has power to control the other, or a treatment or has power to control both.  I hereby declare that rights under contract or law have been with the small business concern identified above with regentitled  DNA Encoding A Human Melanin Concentrating Hormone Receptor	cern on a full-time, the fiscal year, and ly or indirectly, one third party or parties conveyed to and remain and to the invention
described in:	(Muni) and uses ineres
the specification filed herewith  X application serial no. 09/885,478 filed June 20, 20 patent noissued	001
If the rights held by the above identified small business conceach individual, concern or organization having rights to the below and no rights to the invention are held by any pe inventor, who could not qualify as an independent inventor under any concern which could not qualify as a small business	e invention is list d rson, other than the er 37 C.F.R. \$1.9(c)*,
C.F.R. \$1.9(d)* or as a nonprofit organization under 37 C.F.	R. §1.9(e)*.
C.F.R. \$1.9(d)* or as a nonprofit organization under 37 C.F.	R. §1.9(e)*.
C.F.R. \$1.9(d)* or as a nonprofit organization under 37 C.F.	R. §1.9(e)*.

anore: Separate verified statements are required for each nam dp rson, concern, or organization having rights to the invention averring to their status as small entities. 37 C.F.R. §1.27.

John A. Salon, et al. Serial No.: 09/885,478 Filed: June 20, 2001

- (c) An independent inventor as used in this chapter means any inventor who (1) has not assigned, granted, conveyed, or licensed, and (2) is under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who could not likewise be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section.
- (d) A small business concern as used in this chapter means any business concern as defined by the Small Business Administration in 13 C.F.R. §121.3-18, published on September 30, 1982 at 47 FR 43273. For the convenience of the users of these regulations, that definition states:
- §121.3-18 Definition of small business for paying reduced patent fees under Title 35, U.S. Code.
- (a) Pursuant to Pub. L. 97-247, a small business concern for purposes of paying reduced fees under 35 U.S. Code 41(a) and (b) to the Patent and Trademark Office means any business concern (1) whose number of employees, including those of its affiliates, does not exceed 500 persons and (2) which has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, conveyed, or license, any rights in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section. For the purpose of this section concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. The number of employees of the business concern is the average over the fiscal year of the the persons employed during each of the pay periods of the fiscal year. Employees are those persons employed on a full-time, part-time or temporary basis during the previous fiscal year of the concern.
- (b) If the Patent and Trademark Office determines that a concern is not eligible as a small business concern within this section, the concern shall have a right to appeal that determination to the Small Business Administration. The Patent and Trademark Office shall transmit its written decision and the pertinent size determination file to the SBA in the event of such adverse determination and size appeal. Such appeals by concerns should be submitted to the SBA at 1441 L Street, NW., Washington, D.C. 20416 (Attention: SBA Office of General Counsel). The appeal should state the basis upon which it is claimed that the Patent and Trademark Office initial size determination on the concern was in error; and the facts and arguments supporting the concern's claimed status as a small business concern under this section.
- (e) A nonprofit organization as used in this chapter means (1) a university or other institution of higher education located in any country; (2) an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)); (3) any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of this country (35 U.S.C. 201(i)); or (4) any nonprofit organization located in a foreign country which would qualify as a nonprofit organization under paragraphs (e)(2) or (3) of this section if it were located in this country.

Small Entity/Small Business Concern Page -2-

If acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. 37 C.F.R. §1.28(b)\*.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Dr. Kathleen P. Mullinix
Title In Organization: President, Chairman & CEO
-ddress: Synaptic Pharmaceutical Corporation
215 College Road, Paramus, New Jersey 07652-1410
Signature: Kathley f. Myllinin
Date Of Signature: June 21, 2001

## 37 C.F.R. §1.28(b)

(b) Once status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due. Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate pursuant to \$1.9 of this part. The notification of change in status may be signed by the applicant, any person authorized to sign on behalf of the assignee, or an attorney or agent of record or acting in a representative capacity pursuant to \$1.34(a) of this part.

OBARAGO OCLIS SON